

FINAL STATEMENT OF REASONS AND PUBLIC REPORT  
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations  
Amend Section 6728  
Pertaining to the Medical Supervision Program

UPDATE OF THE INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9(d), the Department of Pesticide Regulation (DPR) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the public comment period.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on March 18, 2022. During the public comment period, DPR did not receive comments on the proposed text.

DPR has amended Title 3 California Code of Regulations section 6728. The pesticide regulatory program activities affected by the proposal are those pertaining to pesticide worker safety. In summary, this action will clarify that the physician contracted with an employer to act as a medical supervisor must be registered with the Office of Environmental Health Hazard Assessment (OEHHA), and specify that baseline red cell and plasma cholinesterase determinations, which are verified every two years, be established after a period of at least 30 days during which the employee has had no exposure to an organophosphate or carbamate pesticide.

These regulations will go into effect on January 1, 2023.

PUBLIC HEARING

No public hearing was scheduled or held, and none was requested.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE COMMENT PERIOD

No comments received.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the regulatory action does not impose a mandate on local agencies or school districts.

## ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons or businesses than the adopted regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law. This action amends an existing program by requiring medical supervisors to be registered with OEHHA, making it consistent with Health and Safety Code section 105206, and specifying the period for which employers must send their employees for baseline red cell and plasma cholinesterase testing. These regulations establish consistency amongst employers regarding when to send their handlers for baseline red cell and plasma cholinesterase testing, resulting in more accurate baseline red cell and plasma cholinesterase determinations for employees. Accurate baselines enable registered medical supervisors to continuously monitor cholinesterase levels of an employee and recommend additional protective measures to protect employees from overexposure if cholinesterase depression occurs.

## POSTING REQUIREMENT

3 CCR section 6110, states in part that, “The public report shall be posted on the official bulletin board of the Department for 45 days.” DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <<http://www.cdpr.ca.gov>>.